

# SAN FRANCISCO BAY CONSERVATION AND DEVELOPMENT COMMISSION

50 California Street • Suite 2600 • San Francisco, California 94111 • (415) 352-3600 • Fax: (415) 352-3606 • [www.bcdc.ca.gov](http://www.bcdc.ca.gov)

January 20, 2012

**TO:** Commissioners and Alternates  
**FROM:** Steve Goldbeck, Acting Executive Director (415/352-3611 [steveg@bcdc.ca.gov](mailto:steveg@bcdc.ca.gov))  
**SUBJECT:** **Staff Report and Recommendation on 2011 Annual Report**  
(For Commission consideration on February 2, 2012)

## Recommendation

The staff recommends that the Commission approve the attached text of BCDC's required annual report to the Governor and the Legislature.

## Staff Report

Section 66661 of the McAteer-Petris Act requires the Commission to submit an annual report to the Governor and the Legislature summarizing the activities of the Commission during the previous calendar year. To meet this mandate, from 1970 until 2001 the Commission submitted comprehensive and lengthy annual reports. For example, the Commission's 2001 report was 29 pages long. It took about three months of work to collect the needed information and prepare these highly detailed reports. Unfortunately, the Commission has no staff dedicated exclusively to public education and outreach activities, such as preparing annual reports. Therefore, as part of a strategy for dealing with budget reductions, since 2002 the Commission has produced far shorter, summary reports.

This type of abbreviated annual report fully complies with the requirements of law; provides the Governor, the Legislature and the public with a satisfactory overview of the Commission's activities; and no complaints have been raised about the shorter documents. For these reasons, the staff believes this approach used for the past eight years is sound and should be continued. Therefore, the staff recommends that the Commission adopt the attached draft text, authorize the staff to make any minor editorial revisions needed for accuracy and clarity, and direct the staff to submit the 2011 Annual Report to the Governor, the Legislature and the public.



*Making San Francisco Bay Better*



Making San Francisco Bay Better

February 2, 2012

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**ACTING EXECUTIVE DIRECTOR**

Steve Goldbeck

**DEPUTY ATTORNEY GENERAL**

Chris Tiedemann

The Honorable Edmund G. Brown Jr., Governor  
Honorable Members of the California Legislature:

**SUBJECT: 2011 Annual Report**

I am pleased to provide you with the 2011 annual report of the San Francisco Bay Conservation and Development Commission (BCDC), which summarizes the activities we have carried out to implement the McAtteer-Petris Act, the Suisun Marsh Preservation Act, the federal Coastal Zone Management Act, and the California Oil Spill Prevention and Response Act. During 2011 BCDC continued to aggressively address the impacts of climate change as we fulfill our dual obligations to make San Francisco Bay a more productive estuarine ecosystem and to advance the economic vitality of the region that surrounds the Bay.

BCDC was established in 1965 as the nation's first state coastal management agency. Under the Commission's stewardship, the century-long diking, draining and filling that had reduced the Bay's size by one-third has ended. Over the past 45 years nearly 29.4 square miles of Bay habitat have been restored, public trails and parks have been opened along 125.7 miles of the Bay shoreline, and over \$18.8 billion in productive waterfront development has been built. Last year alone we approved \$1.7 billion in new development, which will make nearly 3.9 more miles of the Bay's waterfront available for public use and enjoyment. The wetland restoration projects we approved in 2011 will enlarge the Bay by 74 acres.

BCDC was created primarily to prevent the Bay from getting still smaller from unneeded landfill projects, but global warming is presenting a new challenge for us: accelerated sea level rise that will make the Bay larger threatens waterfront communities, infrastructure, businesses and natural resources. To help the public understand this problem, we have produced maps showing the low-lying areas around the Bay that are vulnerable to flooding from sea level rise over the next century. They show that over 280 square miles of low-lying land are in danger of being flooded from sea level rise by mid-century and that over 330 square miles are vulnerable by 2100. The homes of over a quarter million residents, major highways, rail lines, airports and businesses worth over 60 billion dollars are located in these low-lying areas.

The Bay Area continues to feel the impact of the worldwide economic recession, although our regional economy is beginning to rebound. In 2011 we processed 144 regulatory applications, 24 less than the previous year. However, the total of the project costs of projects approved in 2011 was \$1.45 billion more than the project costs of projects approved in 2010.

In addition to the attached statistical summary of our work in 2011, following are some of our most important accomplishments last year.

- We continued to broaden BCDC's role from an agency that deals primarily with Bay management, by continuing to serve as an international leader in the development of a regional climate resilience strategy with particular emphasis on addressing sea level rise. As part of this initiative in 2011 we accomplished the following:
  - We revised the *San Francisco Bay Plan* to address climate change, as a major component of our ongoing program to keep the Bay Plan—which guides us in making our regulatory decisions—up-to-date and based on the best scientific information. The revisions in the Bay Plan were based on a staff report released in April 2009 entitled, *Living With a Rising Bay: Vulnerability and Adaptation in San Francisco Bay and on the Shoreline*. We began developing revised Bay Plan climate change policies in 2008 and from 2009 to 2011 held 35 public hearings on the proposed policies. Our staff attended numerous local government meetings throughout the Bay Area to get input from local officials, as well as meeting with business and environmental organizations. We revised the proposed language three times in response to comments. On October 6, 2011 we unanimously approved the final Bay Plan amendments.
  - To provide local governments with assistance in dealing with sea level rise, we continued our partnership with the National Oceanic and Atmospheric Administration (NOAA), the Metropolitan Transportation Commission and Caltrans, on the Adapting to Rising Tides (ART) Project. The ART Project is using financial support from NOAA and the Federal Highway Administration to bring community officials and stakeholders together, to collectively gain a better understanding of how sea level rise and other climate change impacts will affect the Bay Area's ecosystems, infrastructure, and economy. Additionally, ART will identify strategies for community-based adaptation planning to address these challenges and develop a process for implementing them. The ART Project was selected by ICLEI, an international association of local governments, to be one of eight ICLEI Inaugural Adaptation Communities in the nation.
  - We provided training for local governments and organizations on available climate change related planning tools, in partnership with the NOAA Coastal Services Center, the San Francisco Bay National Estuarine Research Reserve and NatureServe/Ecosystem-Based Management Tools Network, with assistance from the Association of Bay Area Governments, the Pacific Institute, ICLEI, and the California Energy Commission PIER Program. We provided training for local governments and organizations on available climate change related planning tools.
  - We are continuing to participate in three important partnerships that leverage our capacity for addressing climate change. The first is with our sister agencies in the California Natural Resources Agency to implement the ocean and coastal resources component of the California Climate Adaptation Strategy. The second is with the San Francisco Estuary Partnership to study the resilience of Bay Area wetlands to climate change using funding from the U.S. Environmental Protection Agency. The third is with the U.S. Geological Survey, which uses funding provided by the U.S. Army Corps of Engineers to study sediment transport in the Bay because an adequate supply of sediment is essential for wetlands to adapt to sea level rise.

- ❑ We addressed the following significant planning issues last year:
  - We initiated the process to consider amending the San Francisco Waterfront Special Area Plan to accommodate an international cruise ship terminal on Pier 27.
  - We initiated the process to consider an amendment of the San Francisco Waterfront Special Area Plan to allow vessel berthing as part of the 34<sup>th</sup> America's Cup races
  - We amended the Bay Plan and the Suisun Marsh Protection Plan to delete a water-related industry priority use designation in the Collinsville area of Solano County.
  - We amended the Bay Plan to change the boundaries of the *San Francisco Bay Plan* waterfront park priority use designation at Candlestick Point in San Francisco.
  - We initiated the process to amend the Bay Plan and Seaport Plan to delete a port priority use designation at Hunters Point in San Francisco.
  - We supported H.R. 104 and S.B. 412, which would ensure that revenue generated by the federal Harbor Maintenance Tax is spent on harbor maintenance activities.
- ❑ We addressed the following significant regulatory issues last year:
  - We issued a permit to the Port of San Francisco to construct a 1.4 acre public waterfront park on a new wharf at Brannan Street along the Embarcadero.
  - We issued a permit to construct 3,100 residential units, 200,00 square feet of ground floor commercial and retail space, and 28.4 acres of waterfront open space at the \$1.28 billion Brooklyn Basin project in Oakland.
  - We amended a California Department of Fish and Game permit to revise public access improvements to better integrate them with access on an adjoining U.S. Fish and Wildlife Parcel.
  - We concurred with our staff to support the decision of the Strawberry Point Homeowners Association to require that dogs within a Commission-required shoreline public access area in Marin County be on-leash.
- ❑ We continued the many partnerships we have with other organizations to leverage our capabilities and integrate our programs with complementary efforts. Among the most important of these efforts were the following:
  - BCDC serves as a voting member of the regional Joint Policy Committee, which is coordinating efforts of the four Bay Area regional agencies that have responsibility for air quality, transportation and land use planning and Bay management in developing a regional climate change strategy.
  - Recognizing that San Francisco Bay and the Sacramento-San Joaquin Delta are a single estuarine system that requires an integrated management approach, we continued our efforts to coordinate planning for the Bay and the Delta by serving on the Delta Conservancy board.
  - We partnered with the 34<sup>th</sup> America's Cup Event Authority and the Port of San Francisco to expeditiously address permitting and planning needed to accommodate the races.
  - We coordinated with the Water Emergency Transit Authority in planning for numerous ferry facilities throughout the Bay area.

## 2011 BCDC Annual Report

February 2, 2012

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- We participated in quarterly “Abandoned Vessels” meetings hosted by the U.S. Coast Guard and also attended by the U.S. Army Corps of Engineers, State Lands Commission, Regional Water Quality Control Board, County Sheriff departments, local police departments, marine salvors and non-governmental organizations, such as the San Francisco Baykeeper.
- We continued our partnership with the U.S. Army Corps of Engineers, U.S. Environmental Protection Agency, the San Francisco Regional Water Quality Control Board, and stakeholders, on the Long Term Management Strategy for Placement of Dredged Material in the Bay Region (LTMS) and the Dredged Material Management Office.

We are proud to inherit the responsibility for continuing to save the Bay, and we welcome the challenges and opportunities we face as we try to make the Bay better for future generations.

Sincerely,

R. SEAN RANDOLPH  
Chair

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# 2011 ANNUAL REPORT

SUMMARY OF PERMITS, FILL AND MITIGATION <sup>1</sup>									
Year	Major Permits <sup>1</sup>		Minor Permits <sup>2</sup>		Permit amend- ments	Net change in Bay surface <sup>3</sup> (acres)	Total Project cost <sup>4</sup> (\$000,000)	Public access (acres)	Public access (miles)
	granted	denied	granted	denied					
1970	12	1	66	0		- 72.0			
1971	26	4	61	0		- 25.1			
1972	12	3	80	0		- 7.0			
1973	17	1	71	0		- 4.4			
1974	20	0	107	1		+ 274.0			
1975	10	0	87	0		+ 5.0	100		
1976	14	0	110	0		- 2.2	43		
1977	20	0	116	0	104	+ 16.8	100	21.4	
1978	23	1	104	4	90	- 1.9	152	46.1	9.6
1979	34	0	120	2	103	+ 3.4	93	25.1	
1980	19	1	105	1	101	+ 30.0	470	134.0	
1981	23	0	134	0	125	+ 44.5	130	42.2	
1982	26	0	104	0	115	+ 262.0	379	27.0	5.0
1983	23	0	105	0	131	+ 5.0	395	26.0	6.0
1984	15	3	135	0	130	+ 12.0	97	12.0	7.0
1985	15	1	98	0	104	+ 60.0	200	35.0	6.3
1986	20	0	108	0	112	+ 11.0	639	35.0	5.1
1987	16	2	108	0	104	- 2.0	68	6.0	1.1
1988	17	1	119	2	137	+ 152.2	125	3.3	0.9
1989	17	0	114	1	144	+ 1.7	107	12.7	1.5
1990	17	1	112	0	151	- 1.5	127	12.7	2.0
1991	8	1	61	0	163	- 0.7	400	4.0	5.6
1992	10	1	84	0	140	- 1.6	97	10.4	1.9
1993	8	1	89	0	122	+ 50.1	26	0.2	0.3
1994	11	1	114	0	96	+ 1.6	383	264.0	6.9
1995	15	0	72	0	107	+ 549.6	136	2.8	0.9
1996	7	0	93	0	97	- 1.0	60	3.1	2.2
1997	14	2	109	0	94	+ 75.0	733	14.1	2.9
1998	15	1	109	0	130	+ 38.5	518	16.4	3.3
1999	10	0	103	0	124	+ 258.0	828	67.2	8.4
2000	21	0	85	0	141	+ 112.4	4,640	40.0	1.9
2001	14	0	67	0	67	+ 5,649.3	2,770	34.8	11.1
2002	6	0	75	0	103	+ 1.1	118	2.5	0.5
2003	11	0	59	0	79	+ 118.7	471	28.8	3.8
2004	7	0	74	0	95	+ 493.0	408	11.2	1.5
2005	8	0	57	0	93	+ 3,807.0	382	3.4	4.5
2006	1	0	35	0	114	+ 70.0	169	0.7	0.4
2007	8	0	52	0	71	+ 2,560.0	459	3.5	9.7
2008	5	0	39	0	73	+961.0	552	12.7	6.5
2009	4	0	40	0	74	+174.0	500	1.5	0.2
2010	8	0	65	0	95	+1,562.0	251	11.5	4.8
2011	3	0	20	0	121	+74	1,700	77.8	3.9
TOTAL	590	26	3,666	11	3,850	17,313.5	\$18,826	1,049.1	125.7

<sup>1</sup> Projects authorized by permits and federal consistency concurrences. Some authorized projects have not been built, and some projects may have been changed pursuant to subsequent permit amendments.

<sup>2</sup>Smaller projects approved administratively or under regionwide permits.

<sup>3</sup>The area of the Bay created or restored, including salt ponds converted to tidal action, less the area of the Bay authorized to be filled pursuant to major permits and major consistency determinations through 1987. Thereafter, significant administrative permits and amendments are included in the data.

<sup>4</sup>Major and minor permits only.

**SAN FRANCISCO BAY CONSERVATION AND DEVELOPMENT COMMISSION**  
**2011 ANNUAL REPORT**

**SUMMARY OF ENFORCEMENT ACTIVITIES**

Caseload at the beginning of 2010:	138
New cases opened in 2010:	42
Cases closed in 2010:	44
Caseload at the end of 2010:	113
Cease and Desist Orders issued:	1
Cases referred to the Attorney General:	1
Civil penalties received:	\$32,500

**WORK PROGRAM AND BUDGET**

<b>WORK PROGRAM</b>	<b>FY 09-10</b>		<b>FY 10-11</b>	
	<i>PY</i>	<i>\$000</i>	<i>PY</i>	<i>\$000</i>
<b>Core Program</b>				
Permits/Consistency Determinations	9.6	1,066	10.1	1,132
Enforcement	2.0	224	2.0	231
General Planning	5.4	600	5.9	635
Executive, Legal and Legislative Support	5.6	693	5.6	714
Administration, Commission and Clerical Support	10.0	1,114	10.0	1,147
<b>Total, Core Program</b>	<b>32.6</b>	<b>\$3,697</b>	<b>33.6</b>	<b>\$3,859</b>
<b>Special Fund Projects</b>				
Enforcement (Bay Fill Clean-up Fund)	0.2	15	0.6	128
Permits (Federal Coastal Act Grant)	1.0	150	0.9	152
Enforcement (Federal Coastal Act Grant)	0.3	49	.03	51
Assessment and Strategy (Federal Coastal Act Grant)	0.2	39	0.0	0
Climate Change (Federal Coastal Act Grant)	0.4	85	0.9	125
Water Quality (Federal Coastal Act Grant)	0.0	18	0.0	0
Federal Coastal Impact Assistance Program	0.0	0	0.0	334
Transportation Planning (Metropolitan Transportation Commission)	1.0	220	1.0	282
Oil Spill Prevention and Response Planning (Department of Fish and Game)	0.9	162	0.9	199
Transportation Project Review (Caltrans)	1.8	272	1.8	280
Bay Plan Amendment (Exploratorium)	0.0	26	0.0	0
Bay Plan Amendment (Solano County)	0.0	0	0.0	79
<b>Total, Special Fund Projects</b>	<b>5.8</b>	<b>1,036</b>	<b>6.4</b>	<b>1,630</b>
<b>TOTAL PROGRAM</b>	<b>38.4</b>	<b>\$4,733</b>	<b>40.0</b>	<b>\$5,489</b>
<b>BUDGET</b>				
<b>Expenditures</b>				
Personal Services		3,254		3,651
Operating Expenses and Equipment		1,479		1,838
<b>Total Expenditures</b>		<b>\$4,733</b>		<b>\$5,489</b>
<b>Revenue</b>				
General Fund		3,697		3,859
Bay Fill Clean-up and Abatement Fund		15		128
Reimbursements from Federal Grants		343		372
Reimbursements from Other Sources		678		1,130
<b>Total Revenues</b>		<b>\$4,733</b>		<b>\$5,489</b>